



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson West.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODES

##### AMENDMENT

STATE AGENCY: **Department of Justice**

A written comment period has been established commencing on **February 17, 2006** and closing on **April 3, 2006**. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia A. Jones, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the pro-

posed conflict of interest code(s). Any written comments must be received no later than **April 3, 2006**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Cynthia A. Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission

should be made to Cynthia A. Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## **TITLE 2. STATE ALLOCATION BOARD**

### **NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE STATE ALLOCATION BOARD**

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendments to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The SAB proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code.

These amendments implement Assembly Bill 16 (Hertzberg), Chapter 33, Statutes of 2002, which changed the organizational structure of the SAB. The SAB membership consisted of seven members and was increased to ten members. In addition, but unrelated to AB 16, the SAB "Assistant Executive Officer" is added to the Appendix of "Designated Positions" because it had been omitted. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than April 3, 2006, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than March 17, 2006, by contacting the Contact Person set forth below.

The SAB has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The State Allocation Board has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any State agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the State.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the SAB must determine that no alternative considered by the SAB would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Robert Young, Regulation  
Coordinator

Mailing Address: Office of Public School  
Construction  
On behalf of the State Allocation  
Board  
1130 K Street, Suite 400  
Sacramento, CA 95814

E-mail Address: [robert.young@dgs.ca.gov](mailto:robert.young@dgs.ca.gov)

Fax No.: (916) 445-5526

## **APPENDIX**

Designated Positions	Assigned Disclosure Category
Director of Finance . . . . .	1
<del>Superintendent of Public Instruction</del> . . . . .	<del>1</del>
Director of General Services . . . . .	1
<u>Governor's Appointee</u> . . . . .	<u>1</u>
Executive Officer, State Allocation Board . . . . .	1
<u>Assistant Executive Officer, State Allocation Board</u> . . . . .	<u>1</u>
Consultants . . . . .	1*

Although three Senate Members, three Assembly Members, and the Superintendent of Public Instruction constitute make-up of the State Allocation Board, the persons in these positions are elected State officials and are with exception pursuant to Government Code Section 82019.

## DISCLOSURE CATEGORIES

### Category 1

- (a) Any interest in real property located in California, excepting property which is used as the designated employee's principal place of residence.
- (b) Any investments and business positions in or income from:
  - 1) Architectural entities including, but not limited to, landscaped architecture, where such entities or one or more members are licensed in California.
  - 2) Engineering entities including, but not limited to, civil, structural, mechanical, grading, electrical and sanitary engineering.
  - 3) Entities which perform in the State of California soil testing, earthquake consulting, or construction cost estimating.
  - 4) Business entities which are of the type that sell services, equipment, or supplies to California or to contractors or to sub-contractors.
  - 5) Real estate entities which do appraisals in California.
  - 6) Law firms.
  - 7) Title companies examining titles in California.
  - 8) Consulting firms not included in the above categories that render services to schools districts, such as, but not limited to, site selection and environmental impact reports.
  - 9) Public relations or business advisory consultant entities who advise or represent school districts in obtaining apportionments from the State Allocation Board or in matters relating thereto.
  - 10) Banks which (i) purchase California school district bonds, or (ii) finance persons or entities constructing facilities for leasing to California school districts, or (iii) purchase the securities of such entities issued for that purpose.
  - 11) Building or engineering construction or subcontracting entities licensed in California.

\* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is lim-

ited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

## CONFLICT OF INTEREST CODE FOR THE STATE ALLOCATION BOARD

The Political Reform Act, Government Code Sections 81000, et. seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the State Allocation Board.

Designated employees shall file statements of economic interests with their agencies. Upon receipt of the statements of board members, ~~and the Executive Officer,~~ and the Assistant Executive Officer, the agency shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

## TITLE 5. EDUCATION AUDIT APPEALS PANEL

### Education Audit Appeals Panel

#### Notice of Proposed Rulemaking

#### *Audits of K-12 Local Education Agencies Supplemental Regulations Applicable to Fiscal Year 2005-06*

The Education Audit Appeals Panel (EAAP) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.



### Public Hearing:

EAAP staff, on behalf of the Panel, will hold a public hearing starting at **1:30 p.m. on April 6, 2006**, in the Cedar Room at 915 L Street, Sacramento, CA 95814. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. EAAP requests that any person desiring to present statements or arguments orally notify EAAP's Regulations Coordinator of such intent. EAAP requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

### Written Comment Period:

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period closes at **5:00 p.m. on April 6, 2006**. EAAP will consider only written comments received by the Regulations Coordinator by that time (in addition to those comments received at the public hearing). Written comments for EAAP's consideration should be directed to:

Chris Pentoney, Regulations Coordinator  
Education Audit Appeals Panel  
770 L Street, Suite 1100  
Sacramento, CA 95814  
Fax: (916) 445-7626  
e-mail: [cpentoney@eaap.ca.gov](mailto:cpentoney@eaap.ca.gov)

### Authority and Reference:

Authority cited: Section 14502.1, Education Code.  
Reference: sections 14501, 14502.1, 14503, 41020, 47612.5, 47634.2 and 52084, Education Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The regulations in Title 5 of the California Code of Regulations, Division 1.5, Chapter 3, comprise the audit guide required by Education Code Section 14503. The audit guide provides guidance, through definitions of terms and specification of procedures, to auditors in the conduct of the annual financial and compliance audits required of K-12 local education agencies (LEAs) by Education Code Section 41020.

EAAP proposes to amend sections 19851 and 19853, and to add Section 19827, to address issues resulting from new legislation and revised regulations in 2005 that changed conditions of apportionment of school funding. (Education Code Section 51745.6(e) as added by Stats. 2005, c. 543 [SB 1610], § 7, effective January 1, 2006; Title 5, Section 11963.3(b)(3) as amended ef-

fective December 6, 2005; and Title 5, sections 15140 and 15141, effective August 31, 2005). In addition, conforming changes are made to sections 19814 and 19814.1; and two non-substantive amendments are made to Section 19814.

### Disclosures Regarding the Proposed Action:

- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None
- Other non-discretionary cost or savings imposed upon local educational agencies: None
- Cost or savings in federal funding to the state: None
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other state: None.
- Cost impact on a representative private person or business: The EAAP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Adoption of these regulations will not:
  - (1) create or eliminate jobs within California;
  - (2) create new businesses or eliminate existing businesses within California; or
  - (3) affect the expansion of businesses currently doing business within California.
- Significant affect on housing costs: EAAP has made an initial determination that the proposed regulatory action would not affect housing costs.
- Effect on small businesses: The proposed regulations will have no effect on small businesses because they do not materially alter the requirements for LEA audits.

### Consideration of Alternatives:

In accordance with Government Code Section 11346.5(a)(13), EAAP must determine that no reasonable alternative considered by EAAP or that has otherwise been identified and brought to the attention of EAAP would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

### Public Participation

EAAP invites interested persons to present statements or arguments regarding alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

**Contact Persons:**

Inquiries concerning the substance of the proposed action, requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, and other technical information upon which the rulemaking is based, and questions on the proposed administrative action, may be directed to Chris Pentoney, Regulations Coordinator, at (916) 445-7745 or by e-mail: [cpentoney@eaap.ca.gov](mailto:cpentoney@eaap.ca.gov). The back-up contact person for general inquiries is Timothy E. Morgan, Staff Counsel, at (916) 445-7745.

**Availability of Initial Statement of Reasons and Text of Proposed Regulations:**

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

**Availability of Changed or Modified Text:**

Following the public hearing and consideration of all timely and relevant comments received, EAAP may adopt the proposed regulations substantially as described in this notice. If EAAP makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before EAAP adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address stated above. The Regulations Coordinator will accept written comments on any modifications to these proposed regulations for 15 days after the date on which they are made available.

**Availability of the Final Statement of Reasons:**

Upon completion of the Final Statement of Reasons, a copy may be obtained by contacting the Regulations Coordinator at the above address.

**Availability of Documents on the Internet:**

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, text of the regulations in underline and strikeout, and Final Statement of Reasons will be accessible, through the Education Audit Appeals Panel website: [www.eaap.ca.gov](http://www.eaap.ca.gov)

**TITLE 14. FISH AND GAME COMMISSION**

**Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1904 and 2070 of the Fish and Game Code and to implement, interpret or make specific sections 1755, 1904, 2062, 2067, 2070, 2072.7 and 2075.5 of said Code, proposes to amend Section 670.2, Title 14, California Code of Regulations, relating to Plants of California Declared to Be Endangered, Threatened or Rare.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

State law (Section 1904, Fish and Game Code) specifies that the Fish and Game Commission (Commission) may, after public hearing, designate endangered and rare plants. State law (Section 2070, Fish and Game Code) also specifies that the Commission shall establish a list of endangered species and a list of threatened species. Section 2070 further states that the Commission shall add or remove species from either list if it finds, upon the receipt of sufficient scientific information, that the action is warranted.

On June 24, 2005, the Commission received a petition to uplist Baker's larkspur from rare to threatened species status. Pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the Commission, at its August 18, 2005 meeting, accepted the petition for consideration and made a finding that the petitioned action maybe warranted. Pursuant to the provisions of Section 2075.5 of the Fish and Game Code, the Commission, at its February 3, 2006, meeting in Sacramento, made a finding that the petitioned action to uplist the Baker's larkspur (*Delphinium bakeri*) from rare to endangered is warranted.

The Department of Fish and Game proposes to amend Section 670.2 of Title 14, CCR, to add Baker's larkspur (*Delphinium bakeri*) to the list of endangered plants (subsection (a)). Concurrently, the Department proposes to delete Baker's larkspur from the list of rare plants (subsection (c)). This proposal is based upon the documentation of population declines and threats to the habitat of this species to the point that it meets the criteria for listing as endangered by the Commission as set forth in the California Endangered Species Act (CESA). The Department is fulfilling its statutory obligation in making this proposal which, if adopted, would afford this species the recognition and protection available to it under CESA. Baker's larkspur is extremely rare and is restricted to one known population

on private land in Marin County, California. Total occupied habitat is less than one acre.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, Madison Street at Pacific Street (Across from 399 Madison Street), Monterey, California, on April 7, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 30, 2006 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 4, 2006. All comments must be received no later than April 7, 2006, at the hearing in Monterey, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Kevin Hunting, Department of Fish and Game, phone (916) 653-1070, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following ini-

tial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the species is restricted to an area of less than one acre in Marin County, California.

Although the statutes of the California Endangered Species Act (CESA) do not specifically prohibit the consideration of economic impact in determining if listing is warranted, the Attorney General's Office has consistently advised the Commission that it should not consider economic impact in making a finding on listing. This is founded in the concept that CESA was drafted in the image of the federal Endangered Species Act. The federal act specifically prohibits consideration of economic impact during the listing process.

CESA is basically a two-stage process. During the first stage, the Commission must make a finding on whether or not the petitioned action is warranted. By statute, once the Commission has made a finding that the petitioned action is warranted, it must initiate a rulemaking process to make a corresponding regulatory change. To accomplish this second stage, the Commission follows the statutes of the Administrative Procedure Act (APA).

The provisions of the APA, specifically sections 11346.3 and 11346.5 of the Government Code, require an analysis of the economic impact of the proposed regulatory action. While Section 11346.3 requires an analysis of economic impact on businesses and private persons, it also contains a subdivision (a) which provides that agencies shall satisfy economic assessment requirements only to the extent that the requirements do not conflict with other state laws. In this regard, the provisions of CESA leading to a finding are in apparent conflict with Section 11346.3, which is activated by the rulemaking component of CESA.

Since the finding portion of CESA is silent to consideration of economic impact, it is possible that subdivision (a) of Section 11346.3 does not exclude the requirement for economic impact analysis. While the Commission does not believe this is the case, an abbreviated analysis of the



likely economic impact of the proposed regulation change on businesses and private individuals is provided. The intent of this analysis is to provide disclosure, the basic premise of the APA process. The Commission believes that this analysis fully meets the intent and language of both statutory programs.

Designation of Baker's larkspur as endangered will subject it to the provisions of CESA. This act prohibits take and possession except as may be permitted by the Department, the Native Plant Protection Act, or in the California Desert Native Plants Act.

Endangered status is not expected to result in any significant adverse economic effect on small business or significant cost to private persons or entities undertaking activities subject to CEQA. CEQA requires local governments and private applicants undertaking projects subject to CEQA to consider *de facto* endangered (or threatened) species to be subject to the same requirements under CEQA as though they were already listed by the Commission in Section 670.2 (CEQA Guidelines, Section 15380). Based on its rarity, Baker's larkspur would qualify for this protection under CEQA.

Required mitigation as a result of lead agency actions under CEQA, whether or not a taxon is listed by the Commission, may increase the cost of a project. Such costs may include, but are not limited to, purchase of off-site habitat, development and implementation of management plans, establishment of new populations, installation of protective devices such as fencing, protection of additional habitat, and long-term monitoring of mitigation sites. If the mitigation measures required by CEQA lead agency do not minimize and fully mitigate to the standards of CESA, listing could increase business costs by requiring measures beyond those required by CEQA.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Designation of threatened or endangered status, *per se*, would not necessarily result in any significant cost to private persons or businesses undertaking activities subject to

CEQA. CEQA presently requires applicants undertaking projects subject to CEQA to consider *de facto* endangered (or threatened) and rare species to be subject to the same protections under CEQA as though they are already listed by the Commission in Section 670.2 or 670.5 of Title 14, CCR (CEQA Guidelines Section 15380). Based on its rarity, Baker's larkspur would qualify for this protection under CEQA.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

#### Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

#### Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## TITLE 14. FISH AND GAME COMMISSION

### Notice of Proposed Changes in Regulations

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050, 9054 and 9055 of the Fish and Game Code and to implement, interpret or make specific sections 1050, 7850, 7852.2, 7857, 9054 and 9055 of said Code, proposes to amend Section 120.7, Title 14, California Code of Regulations, relating to commercial sea urchin fishing.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law (Section 9054, Fish and Game Code) provides that the Fish and Game Commission has the authority to adopt regulations for commercial sea ur-

chin fishing. The law further specifies that the Commission may limit the number of sea urchin permits issued whenever necessary to prevent overutilization or to ensure efficient and economic operation of the fishery, either on a statewide basis or within selected geographic areas.

Existing regulation (Section 120.7, Title 14, California Code of Regulations) sets the conditions for commercial sea urchin fishing, including the issuance of new permits and open and closed fishing days.

Subsection 120.7(c) provides for permit renewal dates of June 30 without penalty and after June 30 but before August 1 with a \$50 late fee. Applications for renewal received or postmarked after July 31 are not considered.

The proposed regulations would advance those dates by two months to provide consistency with the renewal dates for other restricted access fisheries. Permits would have to be received or postmarked before April 30, or after April 30 but before June 1 with a \$50 late fee. Applications for renewal received or postmarked after May 31 would not be considered.

Current regulation (subsection 120.7(d)) provides for one new sea urchin diving permit to be available for each 10 permits that are not renewed from the prior license year. That ratio will change when the total number of permits issued drops below 300, when one new sea urchin diving permit would become available for each permit that is not renewed.

The proposed amendments would remove the change in ratio that is now provided for when the total number of permits drops below 300, and instead retain the ratio of one new permit for each 10 non-renewed permits, regardless of the total number of permits issued or not renewed.

The Department's License and Revenue Branch expects to move its office sometime during 2006. A non-substantive change is made in the mailing address.

Existing regulation (subsection 120.7(l)) sets the open days for fishing as seven days per week from November to March, four days per week in April, May, September and October, three days per week in June and August and two days per week in July.

The proposed amendments would add one day per week in the month of July so there would be a three-day per week open season from June through August.

Existing regulation sets the open days of the week from April through October by name throughout the state.

The proposed amendments would, instead, allow fishing in northern California (north of the Pigeon Point lighthouse in San Mateo County) on any weekday of the week, up to a total number of fishing days equal to the number of named days for the remainder of the state. Fishermen would be required to retain all landing re-

ceipts on board the vessel for the then current week and the immediately preceding week to provide a ready means of enforcing the limit on the number of days a person may fish.

Fishermen would also be prohibited from being present on a vessel once they had fished for the allowable number of days in that particular week.

The Commission will have an option to adopt the regulations regarding the days fished in northern California either without a sunset date or with a sunset date of two, three or four years.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Mission Inn, 3649 Mission Inn Avenue, Riverside, California, on Friday, March 3, 2006 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, Madison Street at Pacific Street (Across from 399 Madison Street), Monterey, California, on April 7, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 30, 2006 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 4, 2006. All comments must be received no later than April 7, 2006, at the hearing in Monterey, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout—underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days

prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The addition of one more day per week of fishing during the month of July is expected to enable sea urchin divers to supply their processors with a steadier supply. This, in turn, should help the processors supply their markets. Other proposed amendments would allow northern California sea urchin divers to work a specified number of days during April through October rather than work on named days of the week. This change is also expected to help northern California processors to supply their markets more reliably. Both of these proposed changes should assist California sea urchin businesses compete with those in other states and countries.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:  
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## **TITLE 14. FISH AND GAME COMMISSION**

### **Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5, of the Fish and Game Code and to implement, interpret or make specific sections 200, 205, 206, 215 and 316.5, of said Code, proposes to amend subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath River sport fishing regulations.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

**Quota Adjustment:** Under current regulations in subsection (b)(91.1)(C) of Section 7.50, Title 14, California Code of Regulations, the allowable Chinook salmon harvest in the Klamath River system is based on spawning run-size predictions and spawning escapement goals. The harvest and the distribution of the catch are regulated by seasons, daily and weekly bag and possession limits, and area quotas and allocations.

Annual adjustment of the quota is necessary to meet natural and hatchery escapement needs for Klamath River fall-run Chinook salmon stocks, while providing equitable harvest opportunities for ocean (sport and commercial) and river (sport and tribal) users. The total river system recreational harvest of fall-run Chinook salmon is currently regulated by a quota. In 2005, the share, or impact quota, for the Klamath River basin al-



lowable sport catch was 1,262 adult fish (15 percent of the total allowable harvest by non-tribal fisheries, including ocean-commercial, ocean-recreational and recreational-river fisheries).

Projections of the abundance of adult Klamath River fall-run Chinook salmon in the 2006 season are not yet available from the Pacific Fishery Management Council (PFMC). Consequently, the Department is suggesting that the Commission consider a range of 0–15,000 adult Chinook salmon quota for the river-recreational fishery for notice requirements. The Commission also will consider modifying the share of the allowable catch allocated to the river recreational fishery (which was 15 percent in 2005). Adjustment of this share is included in the recommended 0–15,000 range of the quota. As in prior years, the river recreational fishing quota would be split evenly between the fisheries within each sub-quota area above and below the Highway 96 bridge at Weitchpec.

**Closures to Modify Allocations:** The Department believes that the regulations should, if possible, allow fishing opportunities for adult fall-run Chinook salmon throughout the entire Klamath River Basin. Currently, the annual recreational impact quota is split evenly, with 50% of the quota allocated to the Klamath River below the Highway 96 bridge at Weitchpec and 50% to the remainder of the Klamath River Basin above the Highway 96 bridge at Weitchpec, including the Trinity River. Current regulations define three sub-quota areas above the Highway 96 bridge at Weitchpec. The three quotas ensure equitable harvest of adult fall-run Chinook in the upper Klamath and Trinity rivers. In 2004, the boundary between the lower and upper sub-quota areas for the Klamath River Basin changed from Coon Creek Falls to the Highway 96 bridge at Weitchpec. Subsection (b)(91.1)(C)1.f.(ii) is being amended to be consistent with this boundary.

Anglers may retain adult Chinook salmon five days a week. The retention of adult Chinook salmon is prohibited on Tuesdays and Wednesdays from Weitchpec to the mouth of the Klamath from August 26, through November 30; Weitchpec to Iron Gate Dam, from September 1, through November 30; Trinity River from the confluence with the Klamath to Hawkins Bar from September 1, through November 30; Cedar Flat to the Old Lewiston Bridge from September 15, through November 30.

In order to maintain the harvest of adult Chinook salmon in the Klamath River through Labor Day (September 4, 2006) weekend, the Department reviewed the run-timing of both fall-run and spring-run Chinook salmon in the lower Klamath River. Based on this analysis the Department recommends that the reduction in the number of days per week anglers would be allowed to retain a Chinook salmon over 22 inches total length

be changed to the following: August 15, through November 30 in the Klamath River Below the Highway 96 bridge at Weitchpec. The recommended change would decrease fall-run Chinook salmon harvest opportunities by 11 days.

The 2006 quota to be recommended by the PFMC is not currently known; however, it is expected to be similar to what was established for the 2005 season. All closures for adult Chinook salmon will be designed to maximize and distribute the harvest of adult fall-run Chinook salmon while managing the fishery within the impact quota.

The current quota system requires the Department to monitor angler harvest of adult Chinook in each sub-quota area on a real-time basis. Due to funding and personnel reductions, the Department will be unable to deploy adequate personnel to conduct harvest monitoring in the Trinity River above Willow Creek for the 2006 season. Instead, the following recommendation is based on data analysis and management experiences from previous years that estimate harvest in the upper reaches of the Trinity River relative to known harvest in the lower Trinity and Klamath rivers. All other quota areas will be monitored on a real-time basis.

**1. Upper Trinity River Main Stem — Allowable Fishing Season from Old Lewiston Bridge to the Highway 299 West Bridge at Cedar Flat:**

The Department has reviewed all available Trinity River Chinook harvest and run-timing data for this area. Based on this review, the Department has developed a Harvest Predictor Model (HPM) which incorporates creel data from the Klamath River from Iron Gate Dam downstream to the confluence with the Pacific Ocean and the Trinity River from Lewiston Dam downstream to the confluence with the Klamath River. The HPM is driven by the positive relationship between the number of fall-run Chinook salmon harvested in the lower Klamath and Trinity rivers and the number of fish harvested in the upper Trinity River. The HPM will allow the Department to implement fishing closures to ensure that anglers do not exceed established quota targets.

**Maintain Daily Bag Limit, Weekly Bag Limit and Possession Limit:**

Anglers may retain adult Chinook salmon five days a week (refer to closures to modify allocations) with a daily limit of three Chinook salmon, but no more than one Chinook salmon over 22 inches total length, and one hatchery trout or one brown trout or one hatchery steelhead. No more than two Chinook salmon over 22 inches total length may be retained in any seven consecutive days. No more than 12 Chinook salmon may be possessed, of which no more than two may be over 22 inches total length. During the modified closures anglers could continue to catch and release adult Chinook salmon, harvest two Chinook salmon



less than 22 inches total length per day, and retain one hatchery steelhead or one hatchery trout or one brown trout. No more than 12 Chinook salmon may be possessed, of which no more than two may be over 22 inches total length.

In 2005, the regulations that were designed to maintain the harvest of adult Chinook salmon in the Klamath River through Labor Day (September 5, 2005) weekend were successful. The regulations were based on the in-river quota of 1,262 fish with input received from the angling community. The 2006 quota to be recommended by the PFMC is not currently known; however, it is expected to be similar to what was established for the 2005 season. Consequently, the Department is not recommending any changes in the general daily bag, weekly bag, and possession limits for the 2006 Klamath River sport fishery.

The Department is proposing to add one brown trout to the bag limit for the Trinity River South Fork downstream from the mouth of Grouse Creek and for Trinity River South Fork from the mouth of Grouse Creek to the South Fork Trinity River bridge at Hyampom [(subsections (b)(91.1)(F)6.g. and (b)(91.1)(F)6.h.)]

Non-native brown trout have become well established in the Klamath River System, particularly in the Trinity River Basin. Brown trout are highly predatory and prey upon juvenile Chinook and coho salmon and steelhead trout. Allowing the take of brown trout will reduce predation on juvenile salmon and steelhead while diversifying angler harvest.

A minor editorial change from the use of “king” to “Chinook” salmon is being made so terminology is consistent throughout the regulatory language. Additional minor changes are proposed to improve the clarity of the regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Mission Inn, 3649 Mission Inn Avenue, Riverside, California, on Friday, March 3, 2006 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, Madison Street at Pacific Street (Across from 399 Madison Street), Monterey, California, on April 7, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 30, 2006 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 4, 2006. All comments must be received no lat-

er than April 7, 2006, at the hearing in Monterey, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Neil Manji, Department of Fish and Game, phone (530) 225-2306, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

#### Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

#### Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## **TITLE 14. FISH AND GAME COMMISSION**

### **Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570–1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330–4333, 4336, 4751, 4756, 4800–4805, 4902, 10500 and 10502 of said Code, proposes to amend Sections 360, 361, 362, Title 14, California Code of Regulations, relating to Wildlife Rehabilitation.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2006–2007 Mammal Hunting Regulations.

At the Fish and Game Commission's meeting on February 3, 2006, the Department of Fish and Game made the following recommendations for changes relative to game mammal regulations for the 2006–2007 seasons: proposes to amend sections 360, 361, 362, 363, 364, 365, 465, 465.5, 467, 475, 478 and 601, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2006–2007 Mammal Hunting Regulations.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

#### **Amend Subsection 360(a), Title 14, CCR, Re: Deer: A, B, C and D Zone Hunts**

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

<b>Deer: § 360(a) A, B, C, and D Zone Hunts Tag Allocations</b>		
<i>Zone</i>	<i>Current</i>	<i>Proposed</i>
A	65,000	30,000–65,000
B	55,500	35,000–65,000
C	9,025	8,000–20,000
D3–5	33,000	30,000–40,000
D–6	10,000	6,000–16,000
D–7	9,000	4,000–10,000
D–8	8,000	5,000–10,000
D–9	2,000	1,000–2,500
D–10	700	400–800
D–11	5,500	2,500–6,000
D–12	950	100–1,500
D–13	4,000	2,000–5,000
D–14	3,000	2,000–3,500
D–15	1,500	500–2,000
D–16	3,000	1,000–3,500
D–17	500	100–800
D–19	1,500	500–2,000

**Amend Subsection 360(b), Title 14, CCR,  
Re: Deer: X–Zone Hunts**

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

<b>Deer: § 360(b) X–Zone Hunts Tag Allocations</b>		
<i>Zone</i>	<i>Current</i>	<i>Proposed</i>
X–1	2,355	1,000–6,000
X–2	190	50–500
X–3a	295	150–1,500
X–3b	905	200–3,000
X–4	455	100–1,500
X–5a	80	50–300
X–5b	135	50–800
X–6a	380	100–1,200
X–6b	425	100–1,200
X–7a	205	50–600
X–7b	110	10–200
X–8	275	100–750
X–9a	790	100–1,200
X–9b	325	100–600
X–9c	325	100–1,000
X–10	400	200–600
X–12	815	100–1,500

**Amend Subsection 360(c), Title 14, CCR,  
Re: Deer: Additional Hunts**

Existing regulations provide for the number of hunting tags for the additional hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

<b>Deer: § 360(c) Additional Hunts Tag Allocations</b>					
<i>Hunt</i>	<i>Current</i>	<i>Proposed</i>	<i>Hunt</i>	<i>Current</i>	<i>Proposed</i>
G-1	2,850	500-5,000	M-11	20	20-200
G-3	35	5-50	MA-1	150	20-150
G-6	50	25-100	MA-3	150	20-150
G-7	20 Military *	20 Military *	J-1	25	10-25
G-8	10 Military* 10 Public	10-80 Military * and Public	J-3	15	15-30
G-9	15 Military* 15 Public	15 Military * 15 Public	J-4	15	15-50
G-10	300 Military *	100-480 Military *	J-7	15	10-30
G-11	500 Military * and DOD **	500 Military * and DOD **	J-8	15	10-20
G-12	30	25-75	J-9	5	5-10
G-13	300	50-300	J-10	10 Military* 50 Public	10-80 Military * and Public
G-19	25	10-65	J-11	40	10-50
G-21	25	25-100	J-12	10	10-20
G-37	25	25-50	J-13	40	25-100
G-38	300	50-300	J-14	30	15-75
G-39	15	5-150	J-15	10	5-30
M-3	25	20-75	J-16	75	10-75
M-4	10	5-50	J-17	25	5-25
M-5	10	5-50	J-18	75	10-75
M-6	80	25-100	J-19	25	10-40
M-7	150	50-150	J-20	20	5-20
M-8	10	5-75	J-21	50	20-80
M-9	15	5-100			

\* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

\*\* DOD = Department of Defense

#### **Amend Section 361, Title 14, CCR, Re: Archery Deer Hunting**

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table.

These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.



<b>Archery Deer Hunting: § 361 Tag Allocations</b>		
<i>Hunt Number (and Title)</i>	<i>Current</i>	<i>Proposed</i>
A-1 (C Zone Archery Only Tag)	2,045	150-3,000
A-3 (Zone X-1 Archery)	225	50-1,000
A-4 (Zone X-2 Archery)	10	10-200
A-5 (Zone X-3a Archery)	20	10-300
A-6 (Zone X-3b Archery)	60	25-400
A-7 (Zone X-4 Archery)	80	25-400
A-8 (Zone X-5a Archery)	25	15-100
A-9 (Zone X-5b Archery)	15	10-100
A-11 (Zone X-6a Archery)	75	25-300
A-12 (Zone X-6b Archery)	125	25-200
A-13 (Zone X-7a Archery)	15	10-200
A-14 (Zone X-7b Archery)	20	10-100
A-15 (Zone X-8 Archery)	30	25-200
A-16 (Zone X-9a Archery)	195	50-750
A-17 (Zone X-9b Archery)	300	50-600
A-18 (Zone X-9c Archery)	350	50-500
A-19 (Zone X-10 Archery)	120	25-200
A-20 (Zone X-12 Archery)	205	25-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either- Sex Deer Hunt)	1,000	100-1,000
A-24 (Monterey Archery Either- Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either- Sex Deer Hunt)	35	20-75
A-26 (Bass Hill Archery Buck Hunt)	40	10-100
A-27 (Devil's Garden Archery Buck Hunt)	10	5-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either- Sex Deer Hunt)	1,000	200-2,000
A-32 (Ventura/Los Angeles Archery Late Season Either- Sex Deer Hunt)	250	50-300

**Amend Section 362, Title 14, CCR,  
Re: Nelson Bighorn Sheep**

Existing regulations provide for limited hunting of Nelson bighorn rams in seven hunt zones. The proposed change adjusts the number of tags based on annual bighorn sheep population surveys conducted by the Department. The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 — Marble Mountains	4
Zone 2 — Kelso Peak/Old Dad Mountains	4
Zone 3 — Clark/Kingston Mountain Ranges	2
Zone 4 — Orocopia Mountains	0
Zone 5 — San Geronio Wilderness	1
Zone 6 — Sheep Hole Mountains	2
Zone 7 — White Mountains	3
Open Zone Fund-Raising Tags	2
<b>TOTAL</b>	<b>18</b>

The number of tags allocated for each of the seven hunt zones is based on the results of the Department's 2005 estimate of the bighorn sheep population in each zone. Tags are proposed to allow the take of less than 15 percent of the mature rams estimated in each zone

**Amend Section 363, Title 14, CCR,  
Re: Pronghorn Antelope**

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2006. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The proposed tag allocation ranges for the hunt zones are as set forth below.

Pronghorn Antelope Tag Allocation Ranges — 2006						
Hunt Area	Archery-Only		General Season			
	Season		Period 1		Period 2	
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 1 — Mount Dome	1–10	0–3	3–60	0–20	0	0
Zone 2 — Clear Lake	1–10	0–3	5–80	0–25	0	0
Zone 3 — Likely Tables	2–20	0–7	25–150	0–50	25–130	0–50
Zone 4 — Lassen	2–20	0–7	25–150	0–50	25–150	0–50
Zone 5 — Big Valley	1–15	0–5	3–150	0–50	0	0
Zone 6 — Surprise Valley	1–10	0	3–25	0–7	0	0
Big Valley Junior Hunt	N/A		1–15 Either–Sex		0	
Lassen Junior Hunt	N/A		1–15 Either–Sex		0	
Surprise Valley Junior Hunt	N/A		1–4 Either–Sex		0	
Fund–Raising Hunt	N/A		1–10 Buck			

### Amend Section 364, Title 14, CCR, Re: Elk

The proposed regulatory action is made to enhance junior big–game hunting opportunity and provide consistency in regulation for deer, pronghorn antelope, and elk regarding junior–only hunting tags. Although junior–only deer and pronghorn antelope tags are provided under current regulation, junior–only elk tags are not. Junior hunters can apply for and receive an elk tag through the big–game drawing process, but they must compete with adult hunters to do so. The proposal converts a portion of the elk tags authorized under current regulation into tags available to junior hunters only. The proposal does not create additional tags resulting in increased harvest; harvest levels will remain unchanged through the implementation of any of the alternatives. Harvest related impacts to elk populations are contained within the 2004 Final Environmental Document Regarding Elk Hunting.

The proposal provides a range of bull, antlerless, and either–sex junior–only tags for all three of California’s elk subspecies for the Fish and Game Commission to consider for implementation. These alternatives consist of the following:

1. Northeastern California Rocky Mountain Elk Hunt. A range of 0–3 junior–only either–sex tags for the season specified in existing regulation.
2. Marble Mountain Roosevelt Elk Hunt. A range of 0–3 junior–only either–sex tags for the season specified in existing regulation.
3. Grizzly island Tule Elk Hunt. A range of 0–3 junior–only spike bull tags and 0–3 antlerless tags for the Period 1 and Period 2 seasons specified in existing regulation.

4. LaPanza Tule Elk Hunt. A range of 0–3 junior–only bull and 0–3 junior–only antlerless tags for the Period 1 season specified in existing regulation.
5. Fort Hunter Liggett Tule Elk Hunt. A range of 0–3 junior–only bull and 0–3 junior–only antlerless tags for seasons specified in existing regulation. These tags would be applicable only to the public portion of the current tag allocation between military personnel and public hunters.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, Madison Street at Pacific Street (Across from 399 Madison St.), Monterey, California on Friday, April 7, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the North Tahoe Conference Center, 5318 North Tahoe Blvd., Kings Beach, California on Friday, May 5, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before May 5, 2006, at the address given below, or by fax at (916) 653–5040, or by e–mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e–mailed to the Commission office, must be received before 5:00 p.m. on April 26, 2006. All comments must be received no later than May 5, 2006, at the hearing in Kings Beach, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information

upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr. or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Wildlife Programs Branch, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

##### **Sections 360 and 361**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of

California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business

##### **Section 362**

The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts tag quotas and moves specific tag procedures and requirements to another Section. Given the few number of bighorn sheep tags that are available each year, this proposal is economically neutral to business.

##### **Section 363 and 364**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:  
None
- (c) Cost Impacts on a Representative Private Person or Business:  
A private person or business will be required to pay a new fee pursuant to proposed regulations geared to recover the department's cost of administering the program.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:  
None
- (e) Nondiscretionary Costs/Savings to Local Agencies:  
None
- (f) Programs mandated on Local Agencies or School Districts:  
None
- (g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:  
None
- (h) Effect on Housing Costs:  
None

##### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## **TITLE 14. FISH AND GAME COMMISSION**

### **Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 2084 and 7891 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205 and 2084, of said Code, proposes to amend Section 27.80, Title 14, California Code of Regulations, relating to Ocean Salmon sport fishing regulations.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Pacific Fishery Management Council (PFMC) annually reviews the status of west coast salmon populations. As part of that process, it recommends ocean fishing regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan.

The PFMC is expected to adopt regulation recommendations, similar to recent years, for the recreational ocean salmon fisheries in Federal waters (3 to 200 miles offshore) off the states of Washington, Oregon, and California for 2006. The various alternatives the PFMC will examine in the process of adopting the management options on March 10, 2006, for public review may include:

1. the minimum size of salmon that may be retained;
2. the number of rods anglers may use (e.g., one, two, or unlimited);
3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
4. the number of salmon that may be retained per angler-day or period of days;
5. the definition of catch limits to allow for combined boat limits versus individual angler limits;
6. the allowable fishing dates and areas; and
7. the overall number of salmon that may be harvested, by species and area.

The final regulation recommendations will be made by the PFMC on April 7, 2006. Upon approval of the PFMC's management recommendations by the Secretary of Commerce (SOC), the State must move in a timely manner to conform its ocean sport fishing regulations for salmon in State waters (0 to 3 miles offshore) to those agreed upon by the PFMC. Otherwise, preemption of State regulatory authority by the SOC could occur if State regulations are in conflict with Federal regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Mission Inn, 3649 Mission Inn Avenue, Riverside, California, on Friday, March 3, 2006 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, Madison Street at Pacific Street (Across from 399 Madison Street), Monterey, California, on April 7, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 30, 2006 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 4, 2006. All comments must be received no later than April 7, 2006, at the hearing in Monterey, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Gary Stacey, Department of Fish and Game, phone (562) 342-7108, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.



Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Regulations close to the status quo are expected to be adopted.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## TITLE 14. FISH AND GAME COMMISSION

### Notice of Proposed Changes in Regulations

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 309 and 12155.5 of the Fish and Game Code, and to implement, interpret or make specific Sections 309, 7852.2, 8254.7, 8280.4, 8422, 8423.5, 8562, 8569, 12154, 12155, 12155.5 and 12156, of said Code, proposes to amend Section 746, Title 14, California Code of Regulations, relating to Procedures for License or Permit Revocations, Suspensions, Reinstatements, Transfers or Waivers of Renewal Requirements Including Hunting and Sport Fishing License or Permit Privileges.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law (Sections 309 and 12155.5, Fish and Game Code) provides that the Commission has the authority to adopt regulations that afford procedural and substantive due process to any person whose license or permit is subject to revocation or suspension.

Current regulations in sections 745.5 and 746, Title 14, CCR, outline the procedures governing the revocation, suspension, transfer, reinstatement or waiver of renewal requirements for a license or permit, including hunting and sport fishing license or permit privileges.

Current regulations are silent concerning the issue of rescheduling of appeal hearings. Because of increasing

requests to reschedule appeal hearings, the Commission is proposing to add a provision addressing "continuances" for appeal hearings.

Current regulations specify that the Commission's president may appoint a Commissioner, the Commission's legal counsel, or a member of the State Bar of California with at least ten years' experience in the active practice of law and determined as qualified by the President, to serve as a hearing officer. The Commission is proposing to add a former Executive Director of the Commission to the list of persons who may be appointed as a hearing officer.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, Madison Street at Pacific Street (Across from 399 Madison St.), Monterey, California on Friday, April 7, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 30, 2006, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 5, 2006. All comments must be received no later than April 7, 2006, at the hearing in Monterey, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sheri Tiemann at the preceding address or phone number. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This proposal outlines the procedures to request a continuance of an already scheduled appeal hearing and will allow the Commission to appoint a former Executive Director of the Commission as a hearing officer.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:  
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None

#### Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

#### Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has

otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## TITLE 14. FISH AND GAME COMMISSION

### Notice of Proposed Changes in Regulations

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 205, 206, 215 and 316.5 of said Code, proposes to amend subsection (b)(178) of Section 7.50, Title 14, California Code of Regulations, relating to Silver King Creek.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law (Section 200, Fish and Game Code) delegates authority to the Fish and Game Commission to regulate the taking or possession of birds, mammals, fish, amphibian, and reptiles. The Commission's regulations may establish, extend, shorten, or abolish open and closed seasons; establish, change, or abolish bag limits, possession limits, and size limits; establish and change areas or territorial limits for their taking; and/or prescribe the manner and means of taking (Section 205, Fish and Game Code). Current law (Section 315, Fish and Game Code) further states that the Commission may, at any time, close any stream, lake, or other inland waters, or portions thereof, to the taking of any species or subspecies of fish to protect and properly conserve the fish.

Emergency regulations adopted on August 18, 2005 for Silver King Creek between Llewellyn Falls and Snodgrass Creek expired on December 22, 2005. Current general trout and salmon fishing regulations provide that fishing is open from the last Saturday in April through November 15, and as such, the area between Llewellyn Falls and Snodgrass Creek will be open to fishing on April 29, 2006, while Silver King Creek and tributaries including lakes above Llewellyn Falls will be closed to fishing. The Department is proposing to permanently adopt the expired emergency regulations and close to all fishing all year in Silver King Creek and tributaries including lakes above Snodgrass Creek. This action is necessary to help prevent the unauthorized movement of nonnative trout from below Llewellyn Falls to above Llewellyn Falls.

Other waters in existing portions of the watershed currently closed to angling would remain closed.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mission Inn, 3649 Mission Inn Avenue, Riverside, California on Friday, March 3, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, Madison Street at Pacific Street (Across from 399 Madison St.), Monterey, California on Friday, April 7, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 30, 2006, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 5, 2006. All comments must be received no later than April 7, 2006, at the hearing in Monterey, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sheri Tiemann at the preceding address or phone number. **Ed Pert, Chief, Fisheries Programs Branch, phone (916) 445-3616, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full com-



pliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation affects a short stream reach in a remote wilderness area of northern California.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:  
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

#### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

#### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## **TITLE 14. FISH AND GAME COMMISSION**

### **Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 713, 1050, 2000, 2020, 2150.2, 3005.5, 3800 and 4150, Title 14, CCR, of the Fish and Game Code and to implement, interpret or make specific Sections 200, 1008, 2000, 2001, 3005.5, 3511, 3800, 4150, 4190 and 4800 of said Code, proposes to amend Section 679, Title 14, California Code of Regulations, relating to Wildlife Rehabilitation.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

At the December 9, 2005, commission meeting in Concord, the Commission was asked by members of the public to take this regulation change proposal off the consent calendar and continue it until the February 3, 2006 meeting to allow interested parties time to have input. After working with interested parties the Department has made some minor changes and is re-submitting this package.

The proposal is to establish a specific application process (including associated forms) to approve new wildlife rehabilitation facilities. Documentation is required from the applicant to assist the Department in determining the need for such new facilities. The proposal also establishes an inspections and processing fee and describes a consistent process through the use of non-profit organization to conduct inspections.

The proposal identifies specific training requirements to be met by wildlife rehabilitation facilities and their personnel.

Minor editorial changes are made to clarify and update existing regulatory language regarding wildlife rehabilitation care standards.

Existing regulation allows the department to issue a (MOU) Memorandum of Understanding to wildlife re-



habilitation facilities that meet the minimum standards set forth in the 1993 Wildlife Rehabilitation Minimum Standards and Accreditation Program (WRMSAP) manual but does not describe a specific application process. The regulation change proposal identifies a specific process (including associated forms) by which the Department can better evaluate the need for such facilities and the applicant's qualifications for conducting wildlife rehabilitation activities. The proposal establishes a non-refundable application processing fee and a one-time facility inspection fee predetermined by the department pursuant to Fish and Game Code Sections 713 and 2150.2. Payment of an application processing and an inspection fee is proposed to offset the cost of reviewing and processing a wildlife rehabilitation permit. The Department has provided information in the proposed Fiscal Impact Analysis (III, (a), 1, of this document).

New wildlife rehabilitation permits will be issued on an "as needed" basis only and will remain subject to approval by the regional manager within the region where the facility would be located. The department will request applicants obtain two letters from already permitted rehabilitation facilities (nearest to the location of the proposed facility). This requirement will allow the department to determine if there is a need for a new facility. A letter of intent will be required as part of the application package to assist the department in assessing the applicants qualifications with regard to education experience and available facilities. Application validity is one year from date of approval; if the facility is not operational in this time frame, the applicant's permit will be revoked.

The department is requiring the applicant have a minimum of two years or 400 hours of experience working under a currently-permitted rehabilitation facility. The applicant must have documentation from the permitted facility that they do have the required hours to make them eligible for a wildlife rehabilitation permit.

This proposal also establishes in regulation the MOU shall be valid for a term not to exceed three (3) years from the date of issuance and will be issued to meet the needs of the specific department/region at the discretion of the regional manager. At the end of the three years when the MOU expires, the applicant may apply for the renewal of the MOU by filling out a Permit/Application Renewal form. Upon the renewal of a permit a non-refundable processing fee will be charged.

The department is updating the regulations to reflect the current standards contained in the most recent edition of the WRMSAP Manual.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, Madison Street at Pacific Street (Across from 399

Madison St.), Monterey, California on Friday, April 7, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the North Tahoe Conference Center, 5318 North Tahoe Blvd., Kings Beach, California on Friday, May 5, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before May 5, 2006, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 26, 2006. All comments must be received no later than May 5, 2006, at the hearing in Kings Beach, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr. or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Wildlife Programs Branch, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the

Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

**Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have significant statewide adverse economic directly affecting business, including the ability of California businesses to compete with businesses in other states. At the May 28, 2005 CCWR Advisory Committee meeting, it was determined that a processing fee and an inspection fee to cover the cost by the department and/or the CCWR inspectors was a reasonable suggestion. The departments proposed fees are at a lower level than what was decided upon at the meeting.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

- (c) Cost Impacts on a Representative Private Person or Business:

A private person or business will be required to pay a new fee pursuant to proposed regulations geared to recover the department's cost of administering the program.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None

- (f) Programs mandated on Local Agencies or School Districts:

None

- (g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

- (h) Effect on Housing Costs:

None

**Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

**Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**TITLE 22. OFFICE OF STATEWIDE  
HEALTH PLANNING AND  
DEVELOPMENT**

**NOTICE OF PROPOSED CHANGES IN THE  
REGULATIONS OF THE OFFICE OF STATEWIDE  
HEALTH PLANNING AND DEVELOPMENT**

**ACTION:** Notice of proposed rulemaking.

**SUBJECT:** **Hospital List of Outpatient Procedures Reporting**

**PUBLIC PROCEEDINGS**

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development (hereafter the "Office") proposes to amend Section 96010 of Title 22 of the California Code of Regulations related to the submission of hospital lists of average charges for 25 common outpatient procedures.

**AUTHORITY AND REFERENCE**

The Director of the Office, pursuant to Section 11152 of the Government Code, has the authority to adopt rules and regulations necessary to govern the activities of the Office.

This action is implementing, interpreting, or making specific Health and Safety Code Section 1339.56, which requires hospitals to compile and submit their lists of average charges for 25 common outpatient procedures to the Office in a method determined by the Office.

**WRITTEN COMMENT PERIOD**

NOTICE IS ALSO GIVEN that no public hearings are scheduled to be held. Interested parties may submit

written comments presenting statements, arguments, or contentions relating to the proposed action. All comments must be received by the Office by 5:00 p.m. on April 4, 2006, which is designated as the close of the written comment period. A public hearing will be held if, no later than 15 days prior to the close of the written comment period, an interested person, or his or her duly authorized representative, submits a written request to hold a public hearing to the Contact Person (see Contact Person and address below).

#### CONTACT PERSON

General and substantive inquiries and comments concerning the proposed regulations may be addressed to Kenrick J. Kwong, Manager, Accounting and Reporting Systems Section, Office of Statewide Health Planning and Development, 818 K Street, Room 400, Sacramento, California 95814 (telephone: 916-323-7681; fax: 916-327-0377; e-mail: [kkwong@oshpd.ca.gov](mailto:kkwong@oshpd.ca.gov)). The Office's backup contact person is Tim Pasco, Systems Analyst, Hospital Financial Data Unit, Office of Statewide Health Planning and Development, 818 K Street, Room 400, Sacramento, California 95814 (telephone: 916-323-1955; fax: 916-327-0377; e-mail: [tpasco@oshpd.ca.gov](mailto:tpasco@oshpd.ca.gov)).

#### POLICY STATEMENT OVERVIEW/INFORMATIVE DIGEST

Assembly Bill 1045 (Chapter 532, Statutes of 2005) amended California Health and Safety Code Section 1339.56 changing a reporting requirement for hospitals. Under previous statutory requirements, hospitals compiled and submitted to OSHPD lists of charges for 25 services or procedures commonly charged to patients. Assembly Bill 1045 amended California Health and Safety Code Section 1339.56 modifying that list to be a list of average charges for 25 common outpatient procedures.

The proposed amendment to Section 96010 of Title 22 of the California Code of Regulations will change the reference to the list hospitals must compile and to submit to OSHPD from a list of the charges for 25 services or procedures commonly charged to patients, to a list of average charges for 25 common outpatient procedures.

#### FISCAL IMPACT ESTIMATES

A. Estimate of Cost or Savings to Any State Agency (Cal. Gov't Code §11346.5(a)(6)): None.

- B. Cost to Any Local Agency or School District That is Required to be Reimbursed by the State (Cal. Gov't Code §11346.5(a)(6)): None.
- C. Non-Discretionary Cost or Savings Imposed on Local Agencies (Cal. Gov't Code §11346.5(a)(6)): None.
- D. Cost or Savings in Federal Funding to the State (Cal. Gov't Code §11346.5(a)(6)): None.
- E. Impact on Housing Costs (Cal. Gov't Code §11346.5(a)(12)): None.
- F. Potential Cost Impact on Private Persons or Affected Business, Other Than Small Businesses (Cal. Gov't Code §11346.5(a)(9)): The Office is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### DETERMINATIONS

As required by Government Code Section 11346.5(a)(5), the Office has determined that the proposed regulations will have no fiscal impact on local agencies or school districts. There is no local mandate created by these proposed regulations which would require state reimbursement required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

As required by Government Code Section 11346.5(a)(8), the Office has made an initial determination that the proposed regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Pursuant to Government Code Section 11346.3(b)(1), the Office has determined that the proposed regulations would not significantly affect the following:

- (A) The creation or elimination of jobs within the State of California;
- (B) The creation of new businesses or the elimination of existing businesses within the State of California; or
- (C) The expansion of businesses currently doing business within the State of California.

As required by Section 4 of Title 1 of the California Code of Regulations, the Office has determined that the proposed regulations will not affect small businesses as defined in Government Code Section 11342.610. All affected hospitals either have more than 150 beds, have annual gross receipts exceeding \$1,500,000, are not independently owned and operated, or are organized as nonprofit institutions.

AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF REGULATIONS

The Office prepared an Initial Statement of Reasons for the proposed regulations. The Initial Statement of Reasons, the text of the proposed changes (in italic and ~~strikeout~~ format), and the information in support of the proposed changes are available from the Office at the address indicated above (see Contact Person). In addition, the Initial Statement of Reasons and the text of the proposed changes will be available on the Office's web site at: [www.oshpd.ca.gov/HID/AboutHID/laws.htm](http://www.oshpd.ca.gov/HID/AboutHID/laws.htm). The Office will e-mail all affected hospitals the Initial Statement of Reasons and the text of the proposed changes with this notice.

Any person submitting a comment on the proposed regulations has the right to request a copy of the Final Statement of Reasons once it has been prepared from the Contact Person (see Contact Person).

AVAILABILITY OF CHANGED  
OR MODIFIED TEXT

After the close of the public comment period or at the end of a public hearing, if one is requested and held, the Office may, without further notice, adopt the regulatory changes as proposed or adopt them with nonsubstantial or grammatical changes as it deems appropriate. If the Office intends to adopt the regulations with modifications, other than nonsubstantial or grammatical changes, the full text of the modified regulations will be made available to the public at least 15 days before they are adopted. A request for copies of modified regulations should be submitted to the Contact Person at the address noted above.

ALTERNATIVES

According to Government Code Section 11346.5(a)(12), the Office must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**GENERAL PUBLIC INTEREST**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT**

**NOTICE TO INTERESTED PARTIES  
February 17, 2006**

**Announcement Of Draft Report, Public  
Workshop, And Public Comment Period**

**Draft Health Advisory Consumption Guidelines  
For Fish And Shellfish From Lake Berryessa And  
Putah Creek (Napa, Yolo, And Solano Counties)**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) announces the availability of the draft report entitled "Draft Health Advisory: Safe Eating Guidelines for Fish and Shellfish from Lake Berryessa and Putah Creek (Napa, Yolo, and Solano Counties)." The report contains an evaluation of findings on mercury in fish from Lake Berryessa and Putah Creek, and provides health guidelines for consumption of fish from these water bodies. OEHHA is soliciting comments from interested parties on the draft report and advisories during a 30-day public comment period. OEHHA will also hold two public workshops to make a presentation, answer questions, and take comments. The workshops will be held on February 27, 2006, at 9:30 a.m. at the Napa County Board of Supervisors Conference Room, Third Floor, 1195 Third St., Napa, and on February 28, 2006, at 6:30 p.m. at the Winters Library, 201 First St., Winters. Comments may be submitted at any time until the close of the comment period.

Comments on the draft report may be submitted by mail, fax, or e-mail to Dr. Margy Gassel. All comments must be received by 5:00 p.m. on March 20, 2006. OEHHA will consider comments received by this time and revise the draft report and advisories as appropriate to issue a final report and advisories.

OEHHA is making the draft document available at the OEHHA Web site at <http://www.oehha.ca.gov>. A copy of the report is also available by calling (510) 622-3170.



If you would like to submit comments, receive further information on this announcement, or have questions, please contact Dr. Margy Gassel using the information provided below.

Dr. Margy Gassel  
California Environmental Protection Agency  
Office of Environmental Health Hazard Assessment  
Pesticide and Environmental Toxicology Branch  
1515 Clay Street, 16<sup>th</sup> Floor  
Oakland, California 94612  
Phone: (510) 622-3166  
Fax: (510) 622-3218  
[mgassel@oehha.ca.gov](mailto:mgassel@oehha.ca.gov)

<p><b>SUMMARY OF REGULATORY ACTIONS</b></p>
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**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**CALIFORNIA HOUSING FINANCE AGENCY**  
Conflict of Interest Code

This is a Conflict of Interest Code that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 25  
California Code of Regulations  
AMEND: 10001  
Filed 02/07/06  
Effective 03/09/06  
Agency Contact:  
Courtney McAlister (916) 322-1411

**DEPARTMENT OF CONSERVATION**  
AB 1763 Reporting Deadline Proposed Permanent Regulations

This action is a change without regulatory effect implementing statutory changes in beverage distributor reporting deadlines mandated by AB 1763 (Chap. 202, Stats. 2005).

Title 14  
California Code of Regulations  
AMEND: 2310  
Filed 02/08/06  
Effective 02/08/06  
Agency Contact:  
Eloisa Hernandez (916) 327-2757

**DEPARTMENT OF FOOD AND AGRICULTURE**  
Oak Mortality Disease Control

In this Certificate of Compliance regulatory action, the Department of Food and Agriculture amends its regulation pertaining to "Oak Mortality Disease Control" to add eight (8) additional host plants to the list of plants and plant parts restricted by the regulation.

Title 3  
California Code of Regulations  
AMEND: 3700(c)  
Filed 02/02/06  
Effective 02/02/06  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF PESTICIDE REGULATION**  
Pesticide Broker Licensing Fee

The Department of Pesticide Regulation (Department) is amending section 6502, title 3, California Code of Regulations. The Department is bringing said section into conformity with those changes made by Stats. 2005, Ch. 612, which removed the pesticide broker license application fee.

Title 3  
California Code of Regulations  
AMEND: 6502  
Filed 02/07/06  
Effective 02/07/06  
Agency Contact:  
Linda Irokawa-Otani (916) 445-3991

**MEDICAL BOARD OF CALIFORNIA**  
Licensed Midwives-Standards of Care

The regulatory action deals with standards of care for licensed midwives.

Title 16  
California Code of Regulations  
ADOPT: 1379.19  
Filed 02/07/06  
Effective 03/09/06  
Agency Contact:  
Kevin A. Schunke (916) 263-2368

**OFFICE OF STATEWIDE HEALTH PLANNING  
AND DEVELOPMENT**  
California CABG Outcomes Reporting Program

This proposed regulatory action will add, delete, and amend certain required data elements and make minor

program changes to the California Coronary Artery Graft Outcomes Reporting Program (CCORP) to maintain data consistency among reporting hospitals by revising CCORP data elements to reflect changes in the Society of Thoracic Surgeons (STS) Adult Cardiac Surgery Database, improve the CCORP risk model by adding, amending, or deleting the CCORP data elements based upon recommendations by the Clinical Advisory Panel (CAP) (those added were STS data elements), and to improve the CCORP reporting process by making minor program changes.

**Title 22**

California Code of Regulations

AMEND: 97170, 97172, 97174, 97178, 97180, 97184, 97188, 97190, 97198

Filed 02/02/06

Effective 03/04/06

Agency Contact: Hilva Chan (916) 322-9137

**STATE WATER RESOURCES CONTROL BOARD  
TMDL for Nitrogen and Phosphorus in Rainbow Creek**

This amendment to the Water Quality Control Plan for the San Diego Region (Basin Plan) establishes a Total Maximum Daily Load (TMDL) for nitrogen and phosphorus for the Rainbow Creek Watershed.

**Title 23**

California Code of Regulations

ADOPT: 3989.3

Filed 02/01/06

Effective

Agency Contact: Rik Rasmussen (916) 341-5549

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN SEPTEMBER 07, 2005 TO  
FEBRUARY 08, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

12/29/05 AMEND: 1038

**Title 2**

01/30/06 AMEND: Div. 8, Ch. 103, Sec. 59150

01/24/06 REPEAL: 649.23, 649.25, 649.26, 649.27

01/23/06 AMEND: 18351  
01/20/06 AMEND: 1897  
01/17/06 AMEND: Div. 8, Ch. 64, Sec. 55300  
01/17/06 ADOPT: 560 REPEAL: 560  
12/29/05 AMEND: 18329.5, 18701, 18751  
12/21/05 AMEND: 599.960, 599.961  
12/20/05 AMEND: 18700, 18707, 18708  
12/12/05 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80  
11/16/05 AMEND: 1181  
11/07/05 ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328,  
11/07/05 AMEND: 20107  
10/31/05 AMEND: 1859.2, 1859.81, 1866  
10/27/05 AMEND: 1859.2, 1859.51, 1859.104.3, 1859.147, 1859.202, 1866, Form SAB 50-01  
10/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1  
10/18/05 ADOPT: 18732.5  
10/11/05 ADOPT: 18117, 18772  
10/11/05 AMEND: 18450.4  
10/11/05 AMEND: 18401, 18427.1, 18700, 18705, 18707.9, 18730, 18750  
10/06/05 ADOPT: 18735.5  
09/23/05 ADOPT: 2280, 2281, 2282, 2283, 2284  
09/15/05 AMEND: Div. 8, Ch. 71, Sec. 56000  
09/13/05 AMEND: 18730  
09/07/05 AMEND: Div. 8, Ch. 99, Sec. 58800

**Title 3**

02/07/06 AMEND: 6502  
02/02/06 AMEND: 3700(c)  
01/12/06 AMEND: 6393, 6394, 6395, 6396  
12/28/05 AMEND: 3406(b)  
12/28/05 ADOPT: 6576, 6950  
12/15/05 AMEND: 6400  
12/13/05 AMEND: 3700(c)  
12/01/05 AMEND: 3700(c)  
11/23/05 AMEND: 3406(b)  
10/25/05 AMEND: 3406(b)  
10/24/05 AMEND: 3433(b)  
10/20/05 AMEND: 3591.19(a)  
10/19/05 AMEND: 3406(b)

10/18/05	ADOPT: 3591.18	<b>Title 5</b>	
10/17/05	AMEND: 3406(b)	01/19/06	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7
10/07/05	AMEND: 3406(b)		
10/07/05	ADOPT: 6551		
10/04/05	ADOPT: 3963	12/29/05	ADOPT: 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687 AMEND: 4600, 4610, 4611, 4620, 4621, 4622, 4630, 4631, 4632, 4633, 4640, 4650, 4651, 4660, 4662, 4663, 4664, 4665, 4670, 4910 REPEAL: 4661, 4671
10/03/05	AMEND: 3433		
09/28/05	ADOPT: 3591.19		
09/27/05	AMEND: 3700(c)		
09/16/05	ADOPT: 581		
<b>Title 4</b>			
01/25/06	ADOPT: 12002, 12004, Appendix A AMEND: 12100, 12200, 12220, 12300	12/12/05	ADOPT: 80033.2
01/20/06	ADOPT: 1843.6	12/07/05	AMEND: 43810
01/09/06	ADOPT: 1902.5	12/06/05	ADOPT: 11963.5 AMEND: 11704, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6
01/09/06	ADOPT: 1690.1		
12/29/05	AMEND: 8070, 8071, 8072, 8073, 8074, 8076	11/17/05	AMEND: 41301 REPEAL: 41303, 41304
12/21/05	ADOPT: 12359	11/15/05	AMEND: 6111
12/14/05	AMEND: 7075, 7082, 7084, 7092, 7093, 7094, 7098	11/10/05	AMEND: 19826.1
12/05/05	AMEND: 1977	10/19/05	AMEND: 11900, 11905, 11915, 11920, 11925, 11930, 11935
12/05/05	REPEAL: 1959.5, 1959.6, 1959.7, 1959.8, 1976.5, 1976.7	10/14/05	ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110
11/28/05	ADOPT: 7075, 7076, 7077, 7078, 7079, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099 REPEAL: 7000, 7001, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013.	10/14/05	ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110
11/28/05	ADOPT: 503, 512, 515, 516, 517, 518, 519, 523, 524 AMEND: 500, 501, 502, 510, 513, 514, 520, 552, 530, 531, 533 REPEAL: 521	10/11/05	ADOPT: 19850, 19851, 19852, 19853, 19854 AMEND: 19814, 19814.1
11/23/05	AMEND: 4083	10/11/05	ADOPT: 18220.2, 18224.2, 18224.4, 18240.5, 18249 AMEND: 18220, 18240, 18248, 18244
11/01/05	ADOPT: 10300, 10302, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10335, 10337	09/28/05	AMEND: 50500
10/27/05	ADOPT: 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050 AMEND: 7047, 7048 REPEAL: 7049	<b>Title 8</b>	
10/27/05	ADOPT: 9001, 9005, 9006, 9007, 9025, 9027, 9050, 9051, 9052, 9053, 9054, 9055, 9056, 9057, 9058, 9059, 9060, 9061, 9062, 9063, 9064, 9065, 9066, 9067, 9068, 9069, 9070 AMEND: 9020, 9030, 9031, 9032, 9041, 9043	01/27/06	AMEND: 100, 102
10/12/05	AMEND: 1433	01/27/06	AMEND: 1518
09/13/05	ADOPT: 1843.6	01/25/06	AMEND: 1635
09/12/05	AMEND: 4140	12/20/05	AMEND: 3395
		12/14/05	AMEND: 6632(f)
		12/13/05	AMEND: 20299
		12/05/05	AMEND: 4650
		11/22/05	ADOPT: 13694
		11/22/05	ADOPT: 13680, 13681, 13682, 13683, 13684, 13685, 13686, 13687, 13688, 13689, 13690, 13691, 13692, 13693
		09/29/05	AMEND: 9789.11
		09/22/05	ADOPT: 9792.6, 9792.7, 9792.8, 9792.9, 9792.10 REPEAL: 9792.11
		09/09/05	ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14, 9767.15

**Title 9**

01/23/06 AMEND: 3400  
01/19/06 AMEND: 400  
12/30/05 ADOPT: 3100, 3200.000, 3200.010,  
3200.020, 3200.030, 3200.040,  
3200.050, 3200.060, 3200.070,  
3200.080, 3200.090, 3200.100,  
3200.110, 3200.120, 3200.130,  
3200.140, 3200.150, 3200.160, 3310,  
3400, 3405, 3410, 3415

**Title 10**

01/31/06 ADOPT: 310.100.4, 310.114.4 AMEND  
310.101  
01/25/06 ADOPT: 2025, 2026, 2027, 2028, 2029,  
2030  
01/23/06 AMEND: 2698.99  
01/23/06 ADOPT: 2592, 2592.01, 2592.02,  
2592.03, 2592.04, 2592.05, 2592.06,  
2592.07, 2592.08, 2592.09, 2592.10,  
2592.11, 2592.12, 2592.13, 2592.14  
01/20/06 AMEND: 2498.6  
12/28/05 AMEND: 2498.5  
12/13/05 AMEND: 2312, 2312.5, 2315  
11/23/05 AMEND: 260.210, 260.211, 1726,  
1950.122, 2020  
11/16/05 AMEND: 2699.6600, 2699.6809  
11/15/05 AMEND: 2690.1  
11/03/05 ADOPT: 2698.95.1, 2698.95.11,  
2698.95.12, 2698.96, 2698.97,  
9698.97.1, 2698.98, 2698.98.1 AMEND:  
2698.95  
10/20/05 AMEND: 2318.6, 2353.1, 2354  
10/07/05 ADOPT: 2698.30, 2698.31, 2698.32,  
2698.33, 2698.34, 2698.35, 2698.36,  
2698.37, 2698.38, 2698.39, 2698.40,  
2698.41, 2698.42, 2698.43 REPEAL:  
Sections 2698.30, 2698.31, 2698.32,  
2698.33, 2698.34, 2698.35, 2698.36,  
2698.37, 2698.38, 2698.39, 2698.40,  
2698.  
09/28/05 AMEND: 260.121  
09/28/05 AMEND: 2498.4.9

**Title 11**

01/31/06 ADOPT: 64.2  
01/19/06 AMEND: 1005  
01/11/06 ADOPT: 116.2  
01/09/06 AMEND: 999.1, 999.2, 999.3, 999.4  
12/22/05 AMEND: 1005, 1007, 1008, D-1, D-10,  
D-14  
12/15/05 AMEND: 51.12  
12/01/05 ADOPT: 116.1  
11/22/05 ADOPT: 49.17  
10/24/05 AMEND: 1070, 1081, 1082

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09/19/05 ADOPT: 460, 461

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01/31/06 ADOPT: 2023, 2023.1, 2023.2, 2023.3,  
2023.4 AMEND: 1956.1, 2020, 1021  
REPEAL: 1956.2, 1956.3, 1950.4  
01/30/06 AMEND: 77.05, 77.10, 77.15, 77.16,  
77.17  
01/18/06 AMEND: 553.70  
01/13/06 AMEND: 2467, 2467.1  
01/12/06 ADOPT: 1875  
01/12/06 AMEND: 970  
12/16/05 ADOPT: 253.02 AMEND: 345.16  
12/07/05 ADOPT: 2425.1 AMEND: 2420, 2421,  
2423, 2425, 2426, 2427, Incorporated  
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12/05/05 AMEND: 425.01  
11/08/05 AMEND: 550, 551.11, 551.12  
10/27/05 AMEND: 2453, 2455  
10/18/05 AMEND: 28.18, 28.19, 28.20, 28.21,  
28.22, 28.23  
09/15/05 ADOPT: 1961.1 AMEND: 1900, 1961  
09/15/05 AMEND: 1961(d)  
09/12/05 AMEND: 2262, 2264.2, 2266.5(a) (6)

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02/08/06 AMEND: 2310  
12/22/05 AMEND: 11900  
12/19/05 ADOPT: 163.1 AMEND: 163, 164  
12/06/05 ADOPT: 4970.02, 4970.03, 4970.04,  
4970.05, 4970.06, 4970.07, 4970.08,  
4970.09, 4970.10, 4970.11, 4970.12,  
4970.13, 4970.14, 4970.15, 4970.16,  
4970.17, 4970.18, 4970.19, 4970.20,  
4970.21 AMEND: 4970.00, 4970.01  
REPEAL: 4970.02, 4970.03, 4970.04,  
4970.05  
12/02/05 AMEND: 18660.5, 18660.6, 18660.10,  
18660.20, 18660.21, 18660.22,  
18660.36, 18660.37  
11/30/05 ADOPT: 957.11, 957.12 AMEND: 957  
11/16/05 AMEND: 913.2 [933.2, 953.2], 913.11  
[933.11, 953.11]  
11/09/05 ADOPT: 1038(i) AMEND: 1038.2,  
1038(e)  
11/02/05 AMEND: 632  
11/01/05 ADOPT: 2.45, 251.9  
10/31/05 AMEND: 180.1  
10/26/05 AMEND: 2516  
10/25/05 AMEND: 11900  
10/24/05 AMEND: 1251, 1252, 1252.1, 1253,  
1254, 1256, 1257  
10/18/05 ADOPT: 17939.1, 17939.2, 17939.3,  
17939.4, 17939.5 AMEND: 17930,



	17931, 17932, 17933, 17934, 17934.1, 17934.3, 17934.5, 17935, 17935.1, 17935.2, 17935.3, 17935.4, 17935.5, 17935.55, 17935.6, 17936	11/21/05	AMEND: 1397.61(a)
10/13/05	AMEND: 699.5	11/18/05	AMEND: 1364.11
10/13/05	AMEND: 895, 895.1, 1038, 1038(f)	11/15/05	AMEND: 69, 75.5, 87.5, 89, 89.1, 95, 95.2, 95.3, 95.4
10/12/05	ADOPT: 18459.1.2 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 19462, 18463, 18464, 18466	10/24/05	AMEND: 1399.50, 1399.52
10/06/05	AMEND: 15000, 15001, 15002, 15003, 15004, 15005, 15006, 15007, 15020, 15021, 15022, 15023, 15024, 15025, 15040, 15041, 15042, 15043, 15044, 15045, 15050, 15051, 15052, 15053, 15060, 15060.5, 15061, 15062, 15063, 15064, 15064.5, 15064.7, 15065, 15070,	10/20/05	AMEND: 1922.3
09/30/05	AMEND: 502, 506	10/20/05	AMEND: 1870, 1870.1, 1874
09/21/05	ADOPT: 18801.1, 18808.1, 18808.2, 18808.3, 18808.4, 18808.5, 18808.6, 18808.7, 18808.8, 18808.9, 18808.10, 18808.11, 18809.1, 18809.2, 18809.3, 18809.4, 18809.5, 18809.6, 18809.7, 18809.8, 18809.9, 18809.10, 18809.11, 18810.1, 18810.2, 18810.3, 18810.4,	10/18/05	AMEND: 1807.2, 1833, 1833.1, 1833.2, 1887.4, 1889, 1889.1, 1889.3
09/20/05	AMEND: 13800	10/11/05	AMEND: 7, 7.1, 9, 9.2, 11.5, 13 REPEAL: 14
<b>Title 15</b>		10/06/05	AMEND: 1016, 1017
01/25/06	AMEND: 3482	10/05/05	AMEND: 1014, 1014.1
01/19/06	AMEND: 3370	09/20/05	AMEND: 407(c)
01/17/06	AMEND: 3000, 3062, 3075, 3210	09/09/05	AMEND: 1399.170.11
12/15/05	AMEND: 3335	09/07/05	ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732 6, 1732.7, 1745, 1749 REPEAL: 1727, 1750
12/05/05	AMEND: 3173.1	<b>Title 17</b>	
11/21/05	ADOPT: 3999.2	12/29/05	ADOPT: 30105
11/01/05	AMEND: 3287	11/10/05	AMEND: 54355, 56002, 56040
09/13/05	ADOPT: 3480, 3480.1, 3483, 3484, 3485 AMEND: 3084.1, 3084.7, 3480, 3481, 3482, 3483	10/18/05	ADOPT: 30194.1, 30194.2 AMEND: 30100, 30145, 30145.1, 30225, 30230, 30231, 30408, 30535 REPEAL: 30232
<b>Title 16</b>		09/12/05	ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4
02/07/06	ADOPT: 1379.19	09/07/05	REPEAL: 1411.1, 1420.1, 1420.2, 1420.3, 1420.4, 1420.5, 1422.3, 1498, 1498.1, 1498.2, 1498.3, 1498.4, 1498.5, 1498.6, 1498.7, 1498.8, 1498.9
01/12/06	AMEND: 1313.01	<b>Title 18</b>	
01/05/06	AMEND: 1399.710	01/10/06	AMEND: 1S84
12/30/05	AMEND: 119.6, 120	12/29/05	AMEND: 1620
12/30/05	AMEND: 1820, 1970.4, 1991, 1996	12/27/05	ADOPT: 1823.4
12/27/05	AMEND: 3005	12/09/05	ADOPT: 25106.5-11
12/15/05	ADOPT: 1399.454 AMEND: 1399.434, 1399.436, 1399.450, 1399.451	10/04/05	AMEND: 1698
12/13/05	AMEND: 3005	<b>Title 20</b>	
12/12/05	ADOPT: 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 35.1 AMEND: 70, 98	01/12/06	AMEND: 79, 80
12/02/05	ADOPT: 3067	01/03/06	ADOPT: 1362, 1363.1, 1363.2, 1365.1, Appendix C AMEND: 1364, 1366, 1368.1, 1369, 1370, Appendix A, Appendix B REPEAL: 1363, 1365, 1368, 1368.5
11/30/05	AMEND: 2542, 2542.1, 2547, 2547.1	12/30/05	AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608
11/29/05	AMEND: 1397.61(f)	09/08/05	ADOPT: 2800, 2801, 2810, 2811, 2820, 2821, 2822, 2823, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2840, 2841, 2842

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09/09/05 ADOPT: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619

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02/02/06 AMEND: 97170, 97172, 97174, 97178, 97180, 97184, 97188, 97190, 97198

01/31/06 ADOPT: 66250.1, 66250.2

01/23/06 AMEND: 51510, 51510.1, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501

01/20/06 AMEND: 4448

01/17/06 AMEND: 14000

01/17/06 AMEND: 12000

12/30/05 ADOPT: 67384.1, 67384.2, 67384.3, 67384.4, 67384.5, 67384.6, 67384.7, 67384.8, 67384.9, 67384.10, 67384.11

12/27/05 ADOPT: 66262.44 AMEND: 66261.111, 66262.10

12/19/05 ADOPT: 66264.151 AMEND: 66264.115, 66264.120, 66264.143, 66264.145, 66264.147, 66265.115, 66265.120, 66265.143, 66265.145, 66265.147, 67450.13, 67450.30, 67450.49

11/10/05 ADOPT: 51000.6.1, 51000.10.1, 51000.15.1, 51000.20.1, 51000.24.1, 5100.25.1, 51000.25.2, 51000.31, 51000.32, 51000.51, 51000.52, 51000.53, 51000.55, 51000.60, 51051 AMEND: 51000.1, 51000.1.1, 51000.3, 51000.4, 51000.6, 51000.7, 51000.16, 51000.30, 51000

10/04/05 AMEND: 80072(a) (8), 85068.4

09/27/05 AMEND: 311-1

09/27/05 ADOPT: 4400(jj), 4403.1, 4446.5 AMEND: 4400(I), 4403, 4412.1, 4415, 4417

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02/01/06 ADOPT: 3989.3

01/20/06 ADOPT: 3939.17

12/27/05 ADOPT: 3939.16

12/20/05 ADOPT: 3957

12/15/05 ADOPT: 3939.18

12/09/05 ADOPT: 3939.19

12/09/05 ADOPT: 3939.20

12/02/05 ADOPT: 3989.2

12/01/05 ADOPT: 3939.15

11/28/05 ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37

10/21/05 AMEND: 1062, 1063, 1064, 1065, 1066, 1067, 1071, 1077, 3833.1 REPEAL: 793

10/13/05 ADOPT: 2200.6 AMEND: 2200

10/12/05 ADOPT: 3005

10/04/05 AMEND: 2908

10/03/05 AMEND: 3900

09/22/05 ADOPT: 18456.2.1, 18460.2.1, Forms CIWMB 173 (4/04), 180(3/04) AMEND: 18449, 18450, 18451, 18456, 18459, 18459.2.1, 18459.3, 18461, 18462

09/08/05 ADOPT: 3966

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02/07/06 AMEND: 1001

12/19/05 ADOPT: 11101, 13302 AMEND: 19200, 19201, 19202, 19203, 19204, 19205, 19206, 19207, 19300, 19301, 19400

12/07/05 AMEND: 1338.1 REPEAL: 1433.1

11/07/05 AMEND: 5002, 5020, 5021, 5340, 5348

09/27/05 ADOPT: 8430, 8431, 8432, 8433, 8434

**Title 27**

01/13/06 ADOPT: 15241, 15242

11/17/05 AMEND: 21685

09/29/05 ADOPT: 20070, 21569, 21835

09/26/05 ADOPT: 15241, 15242

**Title 28**

12/14/05 AMEND: 1300.75.4

**Title MPP**

01/23/06 AMEND: 42-101

01/12/06 AMEND: 11-400, 11-402, 11-403, and 11-406

09/20/05 REPEAL: 11-405.22